

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

EDITH BORAN obo
S.B., a minor,

Plaintiff,

-vs-

MICHAEL J. ASTRUE,
Commissioner of Social Security

Defendant.

: CASE NO. 1:10 CV 01751

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: ORDER ADOPTING REPORT AND

: RECOMMENDATION AND

: REVERSING AND REMANDING THE

: COMMISSIONER'S DECISION

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UNITED STATES DISTRICT JUDGE LESLEY WELLS

Plaintiff Edith Boran, as the grandmother and legal guardian of S.B., a minor, challenges the Commissioner of Social Security's final decision denying her dependent's claim for disability insurance benefits under Title XVI of the Social Security Act, 42 U.S.C. § 1381, *et seq.* (Doc.1). This case was automatically referred to United States Magistrate Judge Kathleen B. Burke for a Report and Recommendation ("R&R") pursuant to Local Civil Rule 72.2(b).

In her R&R (Doc. 26), Magistrate Judge Burke finds the Administrative Law Judge's (ALJ) failure sufficiently to consider and discuss the opinions of Ms. Pustotnik and Ms. Engelmann, Claimant's mental health case managers, adequate grounds for reversing the Commissioner's decision and remanding the instant case to provide the ALJ with the opportunity to properly consider and discuss the opinions. The R&R suggests that the ALJ also consider and discuss evidence from "other sources" in accordance with SSR 06-03p.

The Commissioner has notified the Court it will not be filing an objection to the R&R. (Doc. 25). No other party has objected to the Magistrate Judge's R&R. Therefore, it must be assumed the parties are satisfied with the Report's conclusion. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, Magistrate Judge Burke's R&R is adopted. The decision by the Commissioner denying Ms. Boran's dependent's claims of disability is reversed and remanded to the Social Security Administration for further proceedings consistent with the findings of the, hereby, adopted Report and Recommendation.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Date 9 December 2011